

Truth and Transparency in Louisiana's Criminal Justice System

New legislation will create a Criminal Justice System Pilot Program providing access to information for the public, the press, and victims

BACKGROUND

- It difficult and expensive for victims, members of the public, and the press to obtain or review important decisions which are made daily in Louisiana's criminal justice system.
- Louisiana victims and citizens should be able to easily access and view decisions and actions happening in criminal cases which impact their lives and communities, especially with modern technology available for most day to day tasks at our fingertips.
- As of March 1, 2023, only 38 of the 64 Parish Clerk Offices in Louisiana offer online access to criminal court records.
- In the Parishes where information is electronically available it could cost a member of the public approximately \$27,000 a year simply to access and view those criminal records online, because some parishes charge a fee. Some Clerk offices charge anywhere from \$300 to \$1,300 per year for online access, a price set by each Clerk individually.
- Without online access, victims, members of the public, and the press can generally only get case information by personally attending court proceedings or by visiting the clerk's office in person and requesting to view the records.
- **Victims, the Public, and the Press have a right to know what is happening in our court system and to more fully understand how the criminal justice system is dealing with issues of crime, especially violent crime.**
- While defendants receive notice of future court proceedings while they are in court, family members of defendants are often left with same limited access as victims, members of the public, and the press.
- Despite concerns about crime committed by juveniles, Louisiana law mandates that ALL juvenile court records and many juvenile proceedings are confidential. The law prohibits public release or access to any such records. (La. Children's Code Article 412)
- For juvenile records, only authorized personnel can access basic information, removing even the ability of a victim to fully understand what is happening in their case.
- Victims of violent juvenile crime can only know 1.) the results of adjudication/disposition hearings; and 2.) the taking into, or release from, custody of the juvenile (Art 412(G))
- As to juvenile proceedings, all proceedings are closed to the public; except juvenile proceedings involving a crime of violence or 2nd/subsequent felony-grade adjudication. (La Children's Code Art. 879(B))
- Numerous other states (more than 20) allow more public access to juvenile court proceedings or records, including many which have specific exceptions to confidentiality for violent or multiple (habitual) juvenile offenders.

CONTINUED

NEW LEGISLATION TO SHINE A LIGHT ON LOUISIANA'S CRIMINAL JUSTICE SYSTEM FOR THE PUBLIC, THE PRESS, AND VICTIMS

- We need to create a pilot project which will shine light on what is happening in Louisiana's criminal justice system.
- This new legislation creates a Pilot Program to provide no-cost, easy online access to criminal court records and case information for victims, families of defendants, members of the public, and the press.
- This Pilot Program includes 3 of the largest parishes currently dealing with violent and juvenile crime issues: Orleans, Caddo, and East Baton Rouge Parishes
- The Pilot Program will require each parish clerk's office to provide the public with no-cost online access to its criminal court records.
- EBR and Caddo Clerks' Offices have indicated to members of the Coalition through private conversation that there should be little to no cost to their offices to provide this information.
- Orleans will have to create a "public facing" criminal court records portal. It currently has "Docket Master" which provides only text entries which are often difficult to decipher and with no access to documents.
- The Pilot Program will require these parish clerks' offices to provide a secure connection to its criminal court records and databases to the Louisiana Department of Justice.
- The Louisiana Department of Justice will also provide a no-cost, easily accessible online portal for criminal court records in these parishes.
- The Louisiana DOJ may also be able to create a registered victim electronic case notification system to notify registered victims via email or text (if authorized by victim) of upcoming court proceedings in their cases.
- This Pilot Program applies to all adult criminal court proceedings.
- The Pilot Program will also apply to juvenile court proceedings in these parishes, with the following limitations:
 - if the juvenile is 13 years of age or older and accused of committing a crime of violence,
 - if the juvenile is 13 years of age or older and has at least 1 prior felony-grade Adjudication.
- Records properly sealed by a Court will not be included in the public database.
- Records that include confidential victim information will not be included.
- This Pilot Program will operate for 2 years (until July 1, 2025). The Legislature can extend, or expand, the Pilot Program.